

1 SINGER / BEA LLP  
2 Adam S. Cashman (Bar No. 255063)  
3 acashman@singerbea.com  
4 601 Montgomery Street, Suite 1950  
5 San Francisco, CA 94111  
6 Telephone: (415) 500-6080  
7 Facsimile: (415) 500-6080

8 *Attorney for Defendant, Counter-claimant and*  
9 *Third-Party Plaintiff Darrell Saldana*

CHAN PUNZALAN LLP  
Mark Punzalan  
mark@chanpunzalan.com  
Stephen Stanwood  
stephen@chanpunzalan.com  
2000 Alameda de las Pulgas, Suite 154  
San Mateo, CA 94403  
Telephone: (650) 362-4150  
Facsimile: (650) 362-4151

*Attorneys for Plaintiffs and Counter-Defendants*  
*MagTarget LLC and Jean-Michel Thiers, and*  
*Third-Party Defendant May Chen*

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 MAGTARGET, LLC, and JEAN-MICHEL  
14 THIERS, an individual

15 Plaintiffs,

16 v.

17 DARRELL SALDANA, an individual.

18 Defendant.

19 DARRELL SALDANA, an individual,

20 Counterclaimant,

21 v.

22 MAGTARGET, LLC, and JEAN-MICHEL  
23 THIERS, an individual.

24 Counter-Defendants.

25 DARRELL SALDANA, an individual,

26 Third-Party Plaintiff,

27 v.

28 MAY CHEN,

Third-Party Defendant.

CASE NO. 3:18-CV-03527-JST

**JOINT STIPULATION AND**  
**[PROPOSED] ORDER REGARDING**  
**AMENDMENT OF PLEADINGS AND**  
**WITHDRAWAL OF PENDING MOTION**  
**TO DISMISS**

1 Plaintiffs/Counter-Defendants MagTarget LLC and Jean-Michel Thiers, Defendant/Counter-  
2 claimant/Third-Party Plaintiff Darrell Saldana, and Third-Party Defendant May Chen, by and through  
3 their undersigned counsel of records, hereby stipulate and agree as follows:

4 **RECITALS**

5 WHEREAS, Plaintiff and counterclaim defendant Jean-Michel Thiers (“Thiers”) and third-  
6 party defendant May Chen (“Chen”) have filed a Motion to Dismiss certain causes of action stated in  
7 Defendant-counterclaim plaintiff and third-party plaintiff Darrell Saldana’s (“Saldana”) First  
8 Amended Counterclaim and Third-Party Complaint; and

9 WHEREAS, the Court has set November 7, 2018 as a deadline to amend the pleadings absent  
10 a showing of good cause under Fed. R. Civ. P. 15; and

11 WHEREAS, Saldana intends to file and serve an amended pleading on or before that  
12 deadline; and

13 WHEREAS, such amendments may address the issues that are the subject of Thiers’s and  
14 Chen’s Motion to Dismiss, and will moot that motion in any event as a matter of law;

15 NOW THEREFORE, all parties to this Action, by and through their undersigned counsel of  
16 record, do hereby agree and stipulate as follows:

17 **STIPULATION**

18 1. Thiers’s and Chen’s pending motion to dismiss (Dkt. No. 30) is withdrawn, without  
19 prejudice to their rights to move to dismiss Saldana’s amended pleading within 14 days of filing and  
20 service of that amended pleading pursuant to Fed. R. Civ. P. 15(a)(3) (or, in the event Saldana does  
21 not amend his pleading, within 14 days of the November 7, 2018 deadline to amend the pleadings);  
22 and

23 2. No opposition or other response to Thiers’s and Chen’s motion to dismiss (Dkt. No.  
24 30) is required, and the noticed hearing data of December 6, 2018 is vacated.

Date: October 19, 2018

SINGER / BEA LLP

By: /s/ Adam Cashman

Adam S. Cashman  
Attorney for Defendant, Counterclaimant and  
Third-Party Plaintiff Darrell Saldana

Date: October 19, 2018

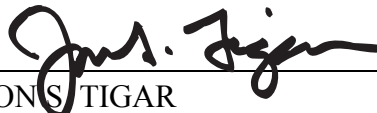
CHAN PUNZALAN LLP

By: /s/ Mark Punzalan

Mark Punzalan  
Stephen Stanwood  
Attorneys for Plaintiffs and Counter-Defendants  
MagTarget LLC and Jean-Michel Thiers, and Third-  
Party Defendant May Chen

SO ORDERED:

Dated: October 22, 2018

  
\_\_\_\_\_  
JON S. TIGAR  
UNITED STATES DISTRICT JUDGE

**ATTESTATION REGARDING SIGNATURES**

I, Adam S. Cashman, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Date: October 19, 2018

/s/ Adam S. Cashman

Adam S. Cashman